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6 *Renee Baker, Tara Carpenter,*

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Francisco Bautista,

8 *Valaree Olivas, and Stephen Clark*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 DAVID A. GONZALEZ,

12 Plaintiff,

13 v.

14 RENEE BAKER, TARA L. CARPENTER;

15 DWAYNE L. BAZE; MARIA WARD;

16 FRANCISCO BAUTISTA; VALAREE C.

17 OLIVAS; and STEPHEN P. CLARK;

18 collectively,

19 Defendants.

Case No.: 2:20-cv-01879-JCM-DJA

**STIPULATION AND ORDER
TO EXTEND THE DISCOVERY
DEADLINE**

(Second Request)

20
21 Pursuant to Fed. R. Civ. P. Rule 6(b)(1)(A), LR IA 6-1, and LR 26-3, Defendants RENEE
22 BAKER, TARA L. CARPENTER, DWAYNE L. BAZE, MARIA WARD, FRANCISCO
23 BAUTISTA, VALAREE C. OLIVAS, and STEPHEN P. CLARK (collectively, "Defendants"),
24 by and through their counsel, AARON D. FORD, Attorney General, and Deputy Attorney General
25 Nathan C. Holland, Esq., and Plaintiff DAVID A. GONZALEZ ("Plaintiff"), by and through the
26 law offices of GALLIAN WELKER & BECKSTROM, L.C., and, hereby submit this Stipulation and
27 Order to Extend Discovery Deadline.
28

1 This is the second stipulation to extend the discovery deadline. For the foregoing reasons
2 and as is more fully explained below, the Parties respectfully request that this Court extend the
3 discovery and associated deadlines in this matter.

4 5 **I. PROCEDURAL HISTORY**

6 1. On October 8, 2020, Plaintiff filed his Complaint [ECF No. 1], initiating this action.

7 2. Over the course of time from around October 13, 2020, to December 16, 2020,
8 Defendants were variously served, or, as applicable, service was waived [*see* ECF Nos. 5, 7, and 8].

9 3. On November 1, 2020, the Parties submitted their Stipulation and Order to Extend
10 Time to File Answer [ECF No. 4], which was accepted and ordered by the Court on November 17,
11 2020 [ECF No. 6].

12 4. On January 15, 2021, Defendants filed their Answer [ECF No. 9].

13 5. On January 29, 2021, the Parties filed their Joint Conference Report and Stipulated
14 Discovery Plan and Scheduling Order [ECF No. 10], which was accepted and ordered by the Court
15 on February 1, 2021 [ECF No. 11].

16 6. On June 16, 2021, the Parties filed their First Stipulation and Order to Extend the
17 Discovery [ECF No. 13].

18 7. On June 17, 2021, this Court issued its Order granting the First Stipulation and Order
19 to Extend [ECF No. 14].

20 21 **II. LEGAL STANDARD**

22 Fed. R. Civ. P. Rule 6(b)(1) governs extensions of time and allows, in relevant part, that
23 “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend
24 the time: (A) with or without motion or notice if the court acts, or if a request is made, before the
25 original time or its extension expires.” If additional time for any purpose is needed, the proper
26 procedure is to present a request for extension of time before the time fixed has expired. *Canup*
27 *v. Mississippi Val. Barge Line Co.*, 31 F.R.D. 282 (W.D. Pa. 1962). An extension of time may
28 always be sought and is usually granted on a showing of good cause if timely made under

subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D. Ohio 1947). Also, a district court possesses the inherent power to control its own docket. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Olivia v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992).

LR IA 6-1 additionally requires that a motion to extend time must state the reasons for the extension requested and will not be granted if requested after the expiration of the specified period unless the movant demonstrates that the failure to file the motion before the deadline expired resulted because of excusable neglect. LR 26-3 requires that a motion to extend any date set by the discovery plan, scheduling order, or other order must, as well as satisfying the requirements of LR IA 6-1, demonstrate good cause for the extension, and such a motion filed after the expiration of the deadline will not be granted unless the movant demonstrates that the failure to act resulted from excusable neglect.

Finally, LR 26-3 lists four factors that are considered upon adjudication of a motion to extend a discovery deadline: (a) a statement specifying the discovery completed; (b) a specific description of the discovery that remains to be completed; (c) the reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and (d) a proposed schedule for completing all remaining discovery.

III. ARGUMENT

A. The Four Factors Contained Within LR 26-3 Are Satisfied, and the Parties Show Good Cause for Modifying the Scheduling Order.

1. Discovery Completed to Date:

On February 12, 2021, pursuant Fed. R. Civ. P. Rule 26(a)(1), the Parties exchanged their respective initial disclosures of persons likely to have discoverable information; documents, electronically stored information, and tangible things; computation of damages, and applicable insurance coverage.

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2. Discovery Remaining:

Plaintiff and Defendants have propounded written discovery to the respective parties. Defendants have yet to respond to any of Plaintiff's Request for Admissions, Interrogatories, and Requests for Production of Documents. Plaintiff has yet to respond to Defendant's Interrogatories. No additional discovery is anticipated or likely to be propounded by the respective parties.

3. Reasons Why Deadline Will Not Be Satisfied or Remaining Discovery Cannot Be Completed Within Current Time Limits:

As noted in the First Stipulation and Order to Extend the Discovery [ECF No. 13], Deputy Attorney General Alexander J. Smith, Esq., was on leave for purposes of preparing for and taking the July 2021 Nevada Bar. In the interim between the First Stipulation and Order to Extend the Discovery and the present time, there have also been personnel changes within the Attorney General's office, leading to multiple case reassignments. Deputy Attorney General Nathan C. Holland, Esq., has only just recently been assigned to the instant matter; accordingly, a second extension of the discovery deadline will afford Mr. Holland sufficient time to review, collate, and submit the various Defendants' responses to Plaintiff's discovery requests.

Both Plaintiff and Defendants continue to diligently prosecute and defend this action, respectively, and believe it is in the interests of justice that this stipulation is granted. Neither party will be prejudiced by this brief extension of the various deadlines.

4. Proposed Schedule for Completing Remaining Discovery:

Event	Current Deadlines	Proposed New Deadlines
Discovery Cutoff	August 13, 2021	September 13, 2021
Dispositive Motion Deadline	September 13, 2021	October 13, 2021
Joint Pretrial Order Deadline	October 13, 2021	November 13, 2021 *

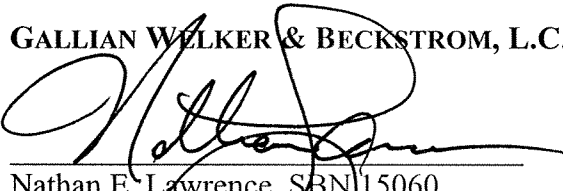
* In the event a dispositive motion is under submission by October 13, 2021, the Joint Pre-Trial Order shall be due no later than 30 days after entry of the Court's order ruling on same.

1 All other discovery dates not referenced herein remain the same as listed in the February 1, 2021,
2 Stipulated Discovery Plan and Scheduling Order.

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4 **IT IS SO STIPULATED.**

5 DATED this 13th day of August 2021.

6 **GALLIAN WELKER & BECKSTROM, L.C.**

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8 
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DATED this 13th day of August 2021.

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Attorneys for Defendants

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17 **IT IS SO ORDERED.**

18 DATED: August 17, 2021

19
20
21 
22 UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on August 16th, 2021, I electronically filed the foregoing **STIPULATION AND ORDER TO EXTEND THE DISCOVERY DEADLINE** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

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/s/ Perla M. Hernandez
Perla M. Hernandez, an employee of the
Office of the Nevada Attorney General